



~~United States District Court~~  
~~Eastern District of New York~~  
**United States Department of Justice**  
*Eastern District of New York*

TM:AH/JK  
F.#2008R00052

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May 18, 2012

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All Counsel  
May 18, 2012  
Page 2

Joseph Mure, Jr.  
26 Court Street, Suite 2601  
Brooklyn, NY 11242

Re: United States v. Conrad Ianniello, et al.  
Criminal Docket No. 12-264 (NGG)

Dear Counsel:

Pursuant to Rule 16 of the Federal Rules of Criminal Procedure, the government hereby furnishes the following discovery in the above-captioned case. Please also consider this letter to be the government's request for reciprocal discovery.

1. Statements of the Defendants

Prior to the defendants' arrests, the government conducted the following relevant court-authorized wiretaps:

Date of Authorization and Judge	Telephone Number
1/4/08 Hon. Nicholas G. Garaufis	Wire communications over 646-359-9181, a cellular telephone used by Paul Gasparrini
2/4/08 Hon. Nicholas G. Garaufis	Wire communications over 646-359-9181, a cellular telephone used by Paul Gasparrini  Wire communications over 718-419-2090, a cellular telephone used by James Bernardone  Wire communications over 201-376-4771, a cellular telephone used by William Panzera
2/28/08 Hon. Nicholas G. Garaufis	Wire communications over 516-455-5200, a cellular telephone used by Rocco Rinaldi

All Counsel  
 May 18, 2012  
 Page 3

Date of Authorization and Judge	Telephone Number
3/6/08  Hon. Allyne R. Ross	Wire communications over 718-419-2090, a cellular telephone used by James Bernardone  Wire communications over 201-376-4771, a cellular telephone used by William Panzera
3/26/08  Hon. Nicholas G. Garaufis	Wire communications over 917-733-4044, a cellular telephone used by Conrad Ianniello
4/15/08  Hon. Sandra L. Townes	Wire communications over 718-419-2090, a cellular telephone used by James Bernardone  Wire communications over 201-376-4771, a cellular telephone used by William Panzera  Wire communications over 516-455-5200, a cellular telephone used by Rocco Rinaldi
5/1/08  Hon. Nicholas G. Garaufis	Wire communications over 917-733-4044, a cellular telephone used by Conrad Ianniello
6/9/08  Hon. Nicholas G. Garaufis	Wire communications over 917-733-4044, a cellular telephone used by Conrad Ianniello
7/16/08  Hon. Nicholas G. Garaufis	Wire communications over 917-733-4044, a cellular telephone used by Conrad Ianniello
8/27/08  Hon. Nicholas G. Garaufis	Wire communications over 917-733-4044, a cellular telephone used by Conrad Ianniello

The following materials will be available at DupeCoop shortly after the date of this letter. You may obtain these materials by contacting John Palermo at (973) 895-1359.

All Counsel  
May 18, 2012  
Page 4

- Copies of the applications, affidavits and orders concerning the above-described wiretaps (Exhibit 8);
- Recordings of the intercepts of telephone number 917-733-4044 (Exhibit 1);
- Recordings of the intercepts of telephone number 718-419-2090 (Exhibit 2);
- Recordings of the intercepts of telephone number 646-359-9181 (Exhibit 3);
- Recordings of the intercepts of telephone number 201-376-4771 (Exhibits 4 and 5);
- Recordings of the intercepts of telephone number 516-455-5200 (Exhibits 6 and 7);

In or about and between June 2006 and March 2010, a cooperating witness ("CW-1"), who was an associate of La Cosa Nostra, consensually recorded meetings with one or more of the defendants and their associates. Discovery Exhibit 10 consists of 829 compact discs (Bates numbers 10885-11713), containing audio recordings made by CW-1.<sup>1</sup> You may obtain these materials by contacting John Palermo at (973) 895-1359.

Counsel will be able to obtain transcripts related to these consensual and wiretap recordings as the transcripts become available and once a stipulation regarding the transcripts is signed and returned to the government. Stipulations will be furnished to each defendant under separate cover.

## 2. Reports of Examinations and Tests

The government will provide you with copies of any reports of examinations or tests in this case, as they become available.

## 3. Expert Witnesses

The government will comply with Fed. R. Crim. P. 16(a)(1)(G) by notifying you in a timely fashion of any expert the government intends to call at trial and by providing you with the expert's credentials and a summary of the expert's opinion.

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<sup>1</sup> All of the dates provided herein are approximate.

All Counsel  
 May 18, 2012  
 Page 5

4. Other Material

The government sought various court orders in connection with this case, including the following:

Date of Authorization	Title of Application
1/18/08	In the Matter of an Application of the United States of America for an Order (1) Authorizing the Use of a Pen Register and a Trap and Trace Device on Wireless Telephone Bearing Telephone Number (718) 419-2090, with with IMSI Number 310410047273413, Subscribed to James Bernardone, 1401 Blondell Avenue #2, Bronx, NY 10461, Serviced by AT&T ("Subject Wireless Telephone #1") and Authorizing the Use of a Pen Register and a Trap and Trace Device on Telephone Number (347) 621-3105, Subscribed to Elizabeth Bernardone, Serviced by Optimum Voice ("Subject Telephone #2") and (2) Authorizing Release of Subscriber Information, Tower/Sector & MSC Records for Subject Wireless Telephone #1
2/1/08	In the Matter of an Application of the United States of America for an Order (1) Authorizing the Use of a Pen Register and a Trap and Trace Device on Wireless Telephone Bearing Telephone Number (646) 721-7018, with with IMSI Number 000006462281676, Subscribed to Christina Lassen, 1834 Tenbroeck Avenue, Bronx, NY 10461, Serviced by Sprint Nextel ("Subject Wireless Telephone #1"); Authorizing the Use of a Pen Register and a Trap and Trace Device on Telephone Number (516) 455-5200, with IMSI Number 3160100353324092, Subscribed to M and M Marble & Tile Rocco Rinaldi, 2 Myrtle Place, Eastchester, NY 10709, Serviced by Sprint Nextel ("Subject Telephone #2"); and Authorizing the Use of a Pen Register and a Trap Trace Device on Telephone Bearing Telephone Number (718) 239-7046, subscribed to Local 124, 1401 Blondell Avenue Floor 1, Bronx, NY 10461, Serviced by Verizon ("Subject Telephone #3") and (2) Authorizing Release of Subscriber Information, Tower/Sector & MSC Records for Subject Telephone #1 and Subject Wireless Telephone #2

All Counsel  
 May 18, 2012  
 Page 6

Date of Authorization	Title of Application
6/3/08	In the Matter of an Application of the United States of America for an Order (1) Authorizing the Use of a Pen Register and a Trap and Trace Device and (2) Authorizing Release of Subscriber Information, Including Tower/Sector & MSC Records
4/13/12	In the Matter of an Application of the United States of America for Orders Authorizing the Disclosure of Location Data Relating to a Specified Wireless Telephone
4/13/12	In the Matter of an Application of the United States of America for an Order Authorizing the Use of a Pen Register and a Trap and Trace Device

The following materials will be available at DupeCoop shortly after the date of this letter. You may obtain these materials by contacting John Palermo at (973) 895-1359.

- Copies of the applications, affidavits and orders associated with the orders referenced in the immediately preceding chart (Exhibit 9).

In addition, compact discs containing electronic evidence gathered as result of the above-described orders, such as location information, are available for your review upon request.

The government also is aware of and will comply with its obligation to produce exculpatory material or information under Brady v. Maryland, 373 U.S. 83 (1963).

The government will furnish the defense before trial with information or material regarding payments, promises of immunity, leniency, or preferential treatment, if any, made to prospective witnesses within the scope of Giglio v. United States, 405 U.S. 150 (1972) and Napue v. Illinois, 360 U.S. 264 (1959). The government will furnish before trial information or material regarding any prior convictions of any co-conspirator, accomplice or informant who may testify at trial for the government.

The government will also furnish before trial materials

All Counsel  
May 18, 2012  
Page 7

discoverable pursuant to Title 18, United States Code, Section 3500.

5. Other Crimes, Wrongs or Acts

The government will provide the defendants with reasonable notice in advance of trial if it intends to offer any material under Fed. R. Evid. 404(b).

The Defendants' Required Disclosures

The government hereby requests reciprocal discovery under Rule 16(b) of the Federal Rules of Criminal Procedure. The government requests that the defendants allow inspection and copying of (1) any books, papers, documents, photographs, tapes, tangible objects, or copies or portions thereof, which are in any defendant's possession, custody or control, and which any defendant intends to introduce as evidence or otherwise rely on at trial, and (2) any results of reports or physical or mental examinations and of scientific tests or experiments made in connection with this case, or copies thereof, which are in any defendant's possession, custody, or control, and which any defendant intends to introduce as evidence or otherwise rely on at trial or which were prepared by a witness whom a defendant intends to call at trial.

The government also requests that the defendants disclose prior statements of witnesses who will be called by any defendant to testify. See Fed. R. Crim. P. 26.2. In order to avoid any unnecessary delay, we request that you have copies of these statements available for production to the government no later than the commencement of trial.

The government also requests that the defendants disclose a written summary of testimony any defendant intends to use under Rules 702, 703, and 705 of the Federal Rules of Evidence. The summary should describe the opinions of the witnesses, the bases and reasons for those opinions, and the witnesses' qualifications.

All Counsel  
May 18, 2012  
Page 8

If you have further questions or requests, please  
contact us.

Very truly yours,

LORETTA E. LYNCH  
UNITED STATES ATTORNEY

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cc: Clerk of Court (NGG)